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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/313.120 05/17/99 KATZ

R 241/184

EXAMINER

WM01/0123

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WM01.S

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

01/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/313,120

Applicant(s)

Katz

Examiner

Stella Woo

Group Art Unit

2643



☒ Responsive to communication(s) filed on Dec 18, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 17-22 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The request filed on December 18, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/313,120 is acceptable and a CPA has been established. An action on the CPA follows.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Entenmann et al. (USPN 4,996,705, hereinafter "Entenmann").

Regarding claim 19, Entenmann discloses a telephone call processing system comprising:
means for receiving calls and establishing telephone communication to select a subset of callers based on online responses (callers to a specific lottery are determined based on the entering of a lottery code; col. 2, lines 51-54) and utilizing automatic identification signals (customer telephone number is forwarded using ANI ; col. 2, lines 54-56);

means for providing identification signals entered by said caller (a lottery entry number can be entered by the caller via DTMF keys or speech; col. 3, lines 8-22);

means for processing data (lottery entries are processed to isolate winners; col. 3, lines 34-67).

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Regarding claim 20, Entenmann provides for randomly generating a lottery target number (col. 3, lines 35-43).

Regarding claim 21, Entenmann discloses a telephone call processing system comprising:
means for selectively receiving calls to establish telephone communication with a select subset of callers (callers are selectively received at a plurality of different lotteries including a customer paid lottery or a sponsor paid lottery; col. 2, lines 47-62; col. 3, lines 14-19, 30-34; col. 4, lines 32-34);

means for providing identification signals entered by said callers (a lottery entry number for the caller can be entered by the caller via DTMF keys or speech; col. 3, lines 8-22);

means for individually cueing (announcement system 17 prompts the lottery customer to key or speak a go-ahead signal; col. 3, lines 21-30);

means for storing (database 19).

Regarding claim 22, Entenmann discloses a telephone call processing system comprising:

means for selectively receiving calls to establish telephone communication with a select subset of callers (callers are selectively received at a plurality of different lotteries including a customer paid lottery or a sponsor paid lottery; col. 2, lines 47-62; col. 3, lines 14-19, 30-34; col. 4, lines 32-34);

means for providing identification signals entered by said callers (a lottery number for the caller can be entered by the caller via DTMF keys or speech; col. 3, lines 8-22);

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means for processing data (lottery entries are processed to isolate winners; col. 3, lines 34-67).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entenmann et al. (Entenmann) in view of the reference entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" by Hester et al. (Hester).

Entenmann discloses a telephone call processing system comprising:

means for selectively receiving calls (eligible callers from a certain locale are identified via calling number signals; col. 2, lines 54-62);

means for providing identification signals (ANI signals supplied by the local switching system; col. 2, lines 5-11);

means for individually cueing said callers to provide digital signals that are entered by the callers for processing (announcement system 17 prompts the lottery customer to enter a lottery entry number via DTMF keys or speech for comparison with a target number; col. 3, lines 8-67);

means for storing (database 19).

Although Entenmann provides for a plurality of lotteries (plurality of formats) being controlled by the same system (col. 2, lines 47-48), it differs from claims 17-18 in that it does not

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specify the use of DNIS for selecting from the plurality of formats. However, Hester teaches the well known use of DNIS for access to a plurality of formats (page 3, second paragraph) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of DNIS, as taught by Hester, within the lottery system of Entenmann in order to automatically identify the selected lottery format from a plurality of lottery formats using DNIS.

Regarding claim 18, Entenmann provides for randomly generating a lottery target number (col. 3, lines 35-43).

6. Applicant's arguments with respect to claims 17-22 have been considered but are moot in view of the new ground(s) of rejection.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

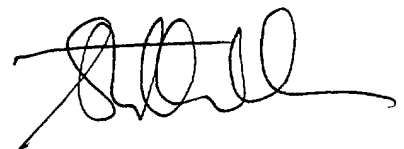
or faxed to:

(703) 308-6306 and (703) 308-6296.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:00 a.m. until 2:30 p.m., Monday through Friday.

January 19, 2001



**STELLA WOO
PRIMARY EXAMINER**